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APPLICATION NO. FILING DATE		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/701,711 07/27/2001		07/27/2001	Carlota Vinals y de Bassols	BM45324	7936
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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner			Application No.	Applicant(s)				
Examiner		•	09/701.711	Y DE BASSOLS, CARLOTA				
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Elemelors of them may be evalible under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be limely filled set of the communication. If the period for reply secretical shows is less brun lifely (30) stays, as reply which the statistory minimum of thing (30) stays we be occessioned involve. If the period for reply secretical shows is less brun lifely (30) stays, as reply which the statistory minimum of thing (30) stay Set (31) stays and the stay of the period for reply secretical shows is less than lifely (30) stays, as reply well be statistically reply received by the occessioned limely. - Pailuse for security within the set or second shows the second shows the state of the communication, server if timely filled, may reduce any seamed patient and applicants. Set of 27R 1.73(b). - Any reply received by the Office later than these meanins state the mailing date of this communication, seven if timely filled, may reduce any seamed patient and applicants. Set of 27R 1.73(b). - A proper section of the set of 27 July 2001. - Status - Sta		Office Action Summary		VINALS				
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THE MAILING DATE OF THIS COMMUNICATION. Edenations of time may be available under the proximos of 37 CPR 1.33(e). In no event, however, may a reply be timely filed after SIX (8) MONTHS from the mailing date of this communication. ### SIX (8) MONTHS from the mailing date of this communication. ### Filed to reply visition from the mailing date of this communication. ### Filed to reply visition this best or extended princed for reply visit by statute, cause the application to become ABANDONED (38 U.S.C. § 133). ### Any reply recorded by the Office exter than three morning after the mailing date of this communication, even if timely filed, may reduce any visit of the communication of the comm								
1) Responsive to communication(s) filed on 27 July 2001. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims — 6 4) Claim(s) is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The proposed fraction is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved by disapproved by the Examiner. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some on the priority documents have been received. 1. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s) 10 Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152)	A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).							
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Application/Control Number: 09/701,711

Art Unit: 1645

RESTRICTION

- 1. Applicant's amendment filed on 7/27/01 has been entered. Claims 1-26 have been canceled. Claims 27-60 have been entered, Claims 27-60 have been entered, Claims 27-60 have been entered.
- 2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions, which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 27-39, 53 –54 drawn to polypeptide and a method of use as a vaccine. Further election of invention required.

Group II, claims 40-52 and 60 drawn to DNA, vector, host cell and a method of expressing polynucleotide and a method of producing polypeptide, Further election of invention required.

Group III, claim 55 drawn to an antibody. Further election of invention required.

Group IV, claim 56 drawn to a method for inducing an immune response using a polypeptide. Further election of invention required.

Group V, claim 57 drawn to a method for diagnosing M.catarrhalis infection using peptide or antibody. Further election of invention required.

Group VI, claim 58 drawn to a method for inducing immune response using polynucleotide. Further election of invention required.

Group VII, claim 59 drawn to a method for the treatment of M.catarrhalis infection using antibody. Further election of invention required.

The inventions listed as Groups I-VII do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

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Group I is directed to a polypeptide, method for producing the polypeptide and a method of use as vaccine which is the first product and first method of using the product. The special technical feature is the polypeptide, which is made up of amino acids. Groups II-III are drawn to structurally different products such as nucleic acids and antibodies which do not require each other for their practice and do not share the same or a corresponding technical feature. The Group IV-VII inventions are drawn to methods having different goals, method steps and starting materials, which do not require each other for their practice and do not share the same or a corresponding technical feature. Note that PCT Rule 13 does not provide for multiple products or methods within a single application. Since the special technical feature of the Group I invention is not present in the Group II-VII claims, and the special technical features of the Group II-VII inventions are not present in the Group I claims, unity of invention is lacking.

DISTINCT INVENTIONS

3. This application contains claims directed to more than one invention in each group. These inventions are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1 as different sequences are considered as unique, different and distinct inventions.

The inventions are as follows:

SEQ.ID.NOS. 1, 2, 3 or 4

The inventions listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the inventions lack the same or corresponding special technical features for the following reasons: Sequences listed as SEQ.ID.NOS: 1-4 are different to each other and lack the same or corresponding special technical features. If applicant elects one SEQ.ID.NO from group II, then applicant is advised to elect the epitopes of Application/Control Number: 09/701,711

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that sequence with specific nucleic acid (epitopes with specific nucleic acid numbers of that sequence) but not a generalized formula as recited in claims 43, 48.

- 4. Applicant is required, in reply to this action, to elect a group and one sequence and identify the SEQ.ID.NO to which the claims shall be restricted. The reply must also identify the claims readable on the elected invention, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.
- 5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Padmavathi v Baskar whose telephone number is (703) 308-8886. The examiner can normally be reached on M-F (6:30A.M-4: 00 P.M.) First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynette Smith can be reached on (703) 308-3909. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-4242 for regular communications and (703) 308-4242 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

P. Baskar Ph.D.

6/27/02

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